

PROB 12C
(7/93)

United States District Court
for
District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Marcus Douyon Newton

Docket Number: 09-00591-001

PACTS Number: 46487

Name of Sentencing Judicial Officer: Honorable Richard Alan Enslen, United States District Judge (Michigan/Western District)

Re-Assigned August 5, 2009: Honorable Noel L. Hillman, United States District Judge

Date of Original Sentence: 09/03/1998

Original Offense: BANK ROBBERY BY FORCE OR VIOLENCE (12 Counts)

Original Sentence: 140 months imprisonment; 3 years supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: 07/25/08

Assistant U.S. Attorney: To Be Assigned, 401 Market St., 4th Floor, P.O. Box 2098 Camden, New Jersey 08101 (609) 757-5026

Defense Attorney: To Be Assigned, 840 Cooper Street, Suite 350, Camden, New Jersey 08102 (609) 757-5341

PETITIONING THE COURT

☐ To issue a warrant

☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

The offender has violated the supervision condition which states 'You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.'

On October 21, 2009, the offender telephoned the probation officer and admitted he had utilized "crack" cocaine for several days and was in need of in-patient treatment. Newton was privately insured and had admitted himself to an in-patient facility identified as Park Bench Group Counseling, 1810 Shore Road, Northfield, New Jersey. The probation officer requested the offender sign a release of information form so that the probation officer was able to receive all communication with the drug program. Although not tested by the probation

officer, the offender was drug tested by the Park Bench treatment facility and urinalysis proved positive for cocaine usage. Newton was discharged on November 13, 2009.

On December 1, 2009, the offender submitted to urinalysis and provided a presumptive positive via instant testing procedures. The urine specimen was forwarded to the laboratory for analysis under C01270849 and subsequently confirmed positive for cocaine usage. A urine specimen obtained on December 15, 2009 was negative for drug usage.

On December 25, 2009, the offender called the probation officer at approximately 8:00 pm to advise he had been admitted to Atlantic Care Hospital, Atlantic City, New Jersey due to thoughts of suicide. A member of the nursing staff at Atlantic Care provided verification the offender was at the hospital and indicated urinalysis indicated positive for cocaine.

On December 28, 2009, the offender reported to the Camden probation office as instructed and submitted to urinalysis. The specimen provided a presumptive positive via instant testing procedures. The urine specimen was forwarded to the laboratory for analysis under 031200051 and subsequently confirmed positive for cocaine usage.

- 2 The offender has violated the supervision condition which states **'As a condition of supervision, you are instructed to pay restitution in the amount of \$32,040.70 to various banking institutions; it shall be paid in the following manner: as directed by the probation officer.'**

The offender has an outstanding restitution balance of \$30,738.02. His last payment was made on March 19, 2009, in the amount of \$702.00. He has failed to make payments as directed since that time; however, the offender did purchase a van in September 2009, to utilize for his business which required monthly payments of \$1,500 for a period of three months.

- 3 The offender has violated the supervision condition which states **'You shall notify the probation officer within 72 hours of any change of residence or employment.'**

On December 21, 2009, the offender's wife contacted the probation officer and indicated she was worried about the offender because he took her debit card from her purse while she was sleeping and did not return home. On December 22, 2009, the offender failed to report to Atlantic County Probation for urinalysis collection subject to the directives of Code A Phone. The probation officer attempted to reach the offender by telephone; however, he could not be located. The offender left his residence on December 20, 2009, and failed to return home until December 26, 2009. He failed to notify the probation officer of his whereabouts with the exception of a telephone call on December 24, 2009 to indicate he was contemplating suicide and did not disclose his location. The undersigned received a telephone call from Atlantic Care Hospital on December 25, 2009, indicating he was there for treatment.

- 4 The offender has violated the supervision condition which states **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further**

ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'

The offender failed to appear for drug testing at the directive of the random urine screen monitoring program (Code A Phone) on December 22, 2009.

I declare under penalty of perjury that the foregoing is true and correct.

pk6

Sharon A. O'Brien

By: Sharon A. O'Brien

Senior U.S. Probation Officer

Date: 1/29/10

THE COURT ORDERS:

☐ The Issuance of a Warrant

☒ The Issuance of a Summons. Date of Hearing: *4/1/10 @ 11:30 am*

☐ No Action

☐ Other

Noel L. Williams

Signature of Judicial Officer

February 2, 2010

Date